

REMARKS

The various sets of claims 2 and 4-19 have been rejected by the Examiner under 35 USC 102(b) and 35 USC 103(c) for the reasons set forth in paragraphs 4-10 of the Examiner's Office Action letter. These rejections are respectfully traversed.

Since the Examiner's rejection of the claims as set forth in paragraphs 4-10 of the Examiner's Office Action letter are identical to all of the Examiner's previous rejections, the Applicants' response to these rejections as specifically set forth in the Amendment as filed in the USPTO on April 11, 2007 as well as all other responses are herein incorporated by reference.

In the Examiner's final rejection, the Examiner indicated that a Declaration submitted by the Applicants under 37 CFR 1.132 which was submitted with the filing of the RCE application was not considered by the Examiner because it was not signed and furthermore chose to issue a first action final rejection in response to the filing of the RCE application. It was and still is the Applicants' position that it was improper or, at the very least, professionally uncooperative to issue a final rejection and furthermore not to consider the contents of the Declaration and the arguments presented in connection therewith when the Applicants' attorney specifically advised the Examiner that because of time restraints it was not possible to obtain the signed copy of the Declaration at the time of filing of the RCE application. The Applicants' attorney also indicated that an executed Declaration would be timely filed supplemental to the filing of the present RCE application. In fact, the signed copy of the Declaration was filed in the USPTO on November 20, 2007 prior to the Examiner's Office Action dated November 21, 2007, finally rejecting the claims of the present application. Also, the Declaration was filed within 30 days of the filing of the RCE application, and as such, in the Applicants' opinion should have been considered by the Examiner.

In an attempt to resolve this situation, the Applicants' attorney, on several occasions, contacted both the Examiner, Mr. Andrew T. Piziali as well as the Examiner's Supervisor, Mr. Terrell Morris. Since no satisfaction was obtained in this regard, the Supervisor, Mr. Terrell

Morris, was requested to discuss the matter with his Director. A subsequent discussion with the Examiner's Supervisor, Mr. Morris, indicated that in the Director's opinion, the first action final rejection would be maintained but the Examiner, upon the filing of a Request for Reconsideration, must consider the substance of the Declaration. Although the Applicants disagree with the Director's determination that the Examiner's first action final rejection was proper, the Applicants are submitting herewith a request for reconsideration, specifically requesting the Examiner to consider the substance of the Declaration.

The present invention is directed to a composite sheet which possesses excellent softness, excellent elongation and form stability, wherein the composite sheet contains a non-woven fabric (1) having ultrafine fibers with a fineness of less than 0.3 denier, a woven or knitted fabric layer (2) containing a yarn made of ultrafine fibers having a fineness of 0.01 to less than 0.3 denier and a polyurethane resin. As recited in claim 13 of the present application, the fineness of the ultrafine fibers of the woven or knitted fabric layer (2) is further defined so as to be not more than the fineness of the ultrafine fibers of the non-woven fabric layer (1). In reviewing the prior art references, it is believed that none of the references relied upon by the Examiner recognize the importance of the specific relationship between the woven or knitted fabric layer (2) and the non-woven fabric layer (1), that is, that the fineness of the ultrafine fibers of the woven or knitted fabric layer (2) is further defined so as to be not more than the fineness of the ultrafine fibers of the non-woven fabric layer (1).

To clearly demonstrate this particular feature of the present invention, the Applicants have submitted a Declaration under 37 CFR 1.132. In the Table in the Declaration, Samples 2 and 4 show that when the fineness of the fine fiber of the woven or knitted fabric is not more than the fineness of the fine fiber of the non-woven fabric, are compared to Samples 3 and 5 which show that the fineness of the fine fiber of the woven or knitted fabric is more than the fineness of the fine fiber of the non-woven fabric, Sample 3 has a worse softness and appearance than Sample 2 and also possesses a higher stiffness and elongation at constant load when compared to Example 2. Also, Sample 5 has a worse softness and appearance when compared to

Sample 4 and also exhibits a higher stiffness and elongation and constant load when compared to Example 4. The rear surfaces of the actual samples which are attached to the Declaration clearly show in Samples 2 and 4, the advantageous results of the present invention when compared to Examples 3 and 5. Thus, not only have the Applicants shown numerically with respect to stiffness and elongation at constant load, the advantages of the present invention when the denier of the non-woven fabric and woven fabric are controlled as defined by the present invention and as recited in the claims, the present Declaration also shows through actual products identified by Samples 2-5, the advantageous results of the present invention.

Since the present Request for Reconsideration and the previously submitted Declaration (a copy of which is attached hereto provide actual proof of the Applicants' arguments which have always been part of both the application and the claims as originally filed, it is believed that the present application is now in condition for allowance.

Accordingly, in view of the above Remarks, reconsideration of the rejections and allowance of the claims of the present application are respectfully requested. In the event that the present Request for Reconsideration does not place the present application into condition for allowance, entry thereof is respectfully requested as placing the present into better condition for appeal.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Joseph A. Kolasch Reg. No. 22,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/501,910
Response dated March 21, 2008
After Final Office Action of November 21, 2007

Docket No.: 3254-0121PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: March 21, 2008

Respectfully submitted,

By 

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Attachment: Resubmitted Rule 132 Declaration